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COLUMBIA, S. C.

Entered:

12-12-01

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

AIKEN DIVISION

A. June Mitchell, William Mitchell,) Civil Action No. 1:01-2571-22
 Margaret Baker, and the Estate of Wayne)
 Baker, Margaret Baker as Personal)
 Representative, Individually and for all)
 other persons and entities similarly)
 situated, J & S. Hudson Construction,)
 Inc., formerly Hudson Construction, Inc.,)
 and Jeff Hudson,)
)
 Plaintiffs,)
)
 v.)
)
 Cedar Creek Properties, Inc., Cedar Creek)
 Realty, Inc., Howard Herbert, Angela)
 Herbert, William Kolarek, Jr., Mary)
 Kolarek, David Abney, Mike Caldwell,)
 Abney Caldwell Builders, Inc., Calvin)
 Richardson, Richardson Construction,)
 Inc., Kimberly C. Waters, Aiken Classic)
 Design, LLC, Donald E. Shaffer, Jr.,)
 Donnie Shaffer Homes, Inc., Joel D.)
 Baughman, Baughman Builders, Inc.,)
 W.G. (Bill) Smith, W.G. Smith)
 Construction, Inc., H. Michael Brazeal,)
 Brazeal Construction and Realty, Inc.,)
 Herbert P. Witter, Jr., Witter)
 Construction Co., Inc., Todd W. Gaul,)
 and Designer Builders, Inc.,)
)
 Defendants.)

ORDER OF DISMISSAL
WITHOUT PREJUDICE
FOR CERTAIN DEFENDANTS

The plaintiffs, by and with the consent of the attorneys for the following defendants, dismiss the following defendants without prejudice: David Abney, Mike Caldwell, Abney Caldwell Builders, Calvin Richardson, Richardson Construction, Inc., Todd Gaul, Designer Builders, Inc.,

Kimberly Waters, Aiken Classic Design, LLC, Donald E. Shaffer, Jr., Donnie Shaffer Homes, Inc., Joel Baughman, Baughman Builders, Inc., Herb Witter, Jr. and Witter Construction. The defendants further agree that the statute of limitations will be tolled on the causes of action alleged in the plaintiffs' complaint or first amended complaint from the date the plaintiffs first filed the complaint on June 1, 2001, for a period of one year; provided, however, the statute will not be tolled for any claims which expired before the plaintiffs served their complaint.

AND IT IS SO ORDERED.

Cameron McLellan Currie

Columbia, South Carolina

December 12, 2001

WE SO MOVE AND CONSENT:

BY: 

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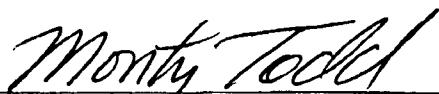
CAPERS, DUNBAR, SANDERS & BRUCKNER

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Attorneys for Defendants, H. Michael Brazeal and
Brazeal Construction Realty, Inc.

SOWELL GRAY STEPP & LAFFITTE

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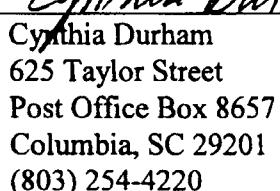


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Attorneys for Defendants, David Abney, Mike Caldwell, Abney Caldwell Builders, Inc., Calvin Richardson, Richardson Construction, Inc., Herbert P. Witter, Jr., Witter Construction Co., Inc., Todd W. Gaul, and Designer Builders, Inc.

ORMAND LAW FIRM

BY:

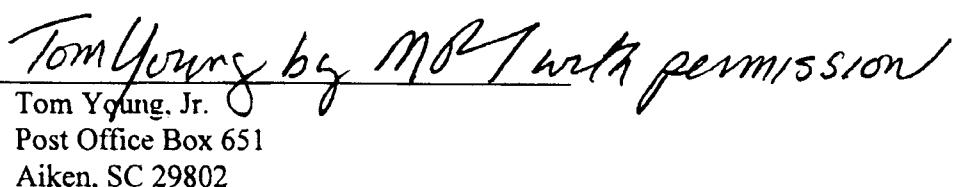

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Attorneys for Defendants, Donald E. Shaffer and Donnie Shaffer Homes, Inc.

JAMES C. ANDERS, JR. & ASSOCIATES

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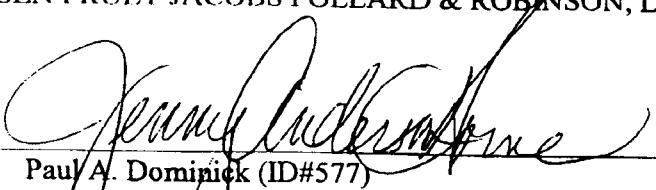
Attorneys for Defendants, Baughman Builders, Inc., Joel D. Baughman, W.G. Smith Construction Co., Inc., W. G. Smith, Aiken Classic Design, LLC, and Kimberly C. Waters

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